

Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

OSCAR LEE OLIVE, IV., an individual)	No. 2:20-cv-00356-JLR-BA
)	
Plaintiff,)	Hon. James L. Robart
)	
v.)	
)	
HAYLEY MARIE ROBINSON, an)	NOTICE OF ERRATA
individual, and Does 1-20 inclusive)	To Plaintiff's Motion For Leave To File
)	Amended Complaint. (Doc. 32).
Defendants)	NOTE ON MOTION CALENDAR:
)	April 22, 2022
)	

TO THE HONORABLE COURT AND TO ALL INTERESTED PARTIES:

On April 1, 2022 Plaintiff Oscar Lee Olive, IV. filed his Motion for Leave To File An Amended Complaint (Doc. 32). By mistake and inadvertence, Plaintiff did not attach the proposed First Amended Complaint to his supporting declaration. However the Proposed First Amended Complaint was filed as an attachment via ECF. Attached as Exhibit "1" to this Notice of Errata is a corrected Motion with supporting declaration and Exhibit "1" attached as one entire document.

DATED: APRIL 2, 2022

BY: /s/ Oscar Lee Olive, IV.
Plaintiff, In Pro Per

DECLARATION OF OSCAR LEE OLIVE, IV.

I, Oscar Lee Olive, IV, hereby declare as follows:

1. I am the Plaintiff in the above entitled matter. I have personal knowledge of the following facts and called upon to testify under oath I could and would do so competently to the following facts.

2. On April 1st 2022 I filed my motion for leave to file my first amended complaint in this matter. Attached to my motion I drafted in Word was my supporting declaration which incorporated as and exhibit my proposed first amended complaint. however when I converted the file into PDF and prepared for ecf filing I inadvertently did not attach the proposed amended complaint after the page marked as Exhibit "1". However I did attach the proposed amended complaint as an attachment upon filing by ECF. Out of an abundance of caution I am filing this notice of errata to incorporate all documents including the first amended of complaint as one document.

3. Attached to this declaration as Exhibit "1" is a corrected copy of the notice of motion and motion for leave to file an amended complaint which incorporates my supporting declaration and includes the proposed first amended complaint.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed April 2nd, 2022 in Hollywood FL.

By: Oscar Lee Olive, IV.
Oscar Lee Olive, IV.

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EXHIBIT “1”

Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

OSCAR LEE OLIVE, IV., an individual

Plaintiff,

v.

HAYLEY MARIE ROBINSON, an
individual, and Does 1-20 inclusive

Defendants

No. 2:20-cv-00356-JLR-BA

Hon. James L. Robart

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE A
FIRST AMENDED COMPLAINT
(F.R.C.P. § 15)**

NOTE ON MOTION CALENDAR:
April 22, 2022

TO THE HONORABLE COURT AND TO DEFENDANT AND HER ATTORNEY OF

RECORD:

PLEASE TAKE NOTICE that on April 22, 2022, or as soon thereafter as the matter may be heard in the above-entitled Court, Plaintiff Oscar Lee Olive IV ("OLIVE") will move the Court for leave to amend his Complaint against Defendant Hayley Marie Robinson ("ROBINSON") F.R.C.P. Rule 15, LCR 15, LCR 7 on the grounds that since filing of the original Complaint in this matter, there have been final findings of fact that Defendant ROBINSON acted with malice and intent to cause injury to Plaintiff. Despite findings by the

1 original Bankruptcy Court and the Bankruptcy Appellate Panel for the 9th Circuit, Defendant
2 ROBINSON refuses to remove her defamatory and malicious postings, causing ongoing and
3 significant injury to Plaintiff.

4 The Motion is based upon the accompanying Memorandum of Points and Authorities, the
5 supporting declaration of Plaintiff Oscar Lee Robinson IV.

6 Plaintiff's proposed First Amended Complaint is attached as Exhibit "1" to the
7 supporting declaration of Plaintiff pursuant to the Local Rules.

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10 Dated: April 1, 2022

Respectfully submitted,

11
12 By: /s/ Oscar Lee Olive, IV.

Oscar Lee Olive, IV
Plaintiff, In Pro Per
101 N. Ocean Drive,
Suite 132
Hollywood, FL 33319
(850) 319-9023
Oscar.L.Olive@gmail.com
(850) 319-9023

MEMORANDUM

By way of the instant motion, Plaintiff Oscar Lee Olive, IV. (“OLIVE”) seeks leave to file an amended complaint naming additional defendant Hayley Marie Robinson (“ROBINSON”). OLIVE further seeks to amend his Complaint to allege new findings of fact by the Bankruptcy Court in and for the Western District of Washington, and the Bankruptcy Appellate Panel for the 9th Circuit Court of Appeal relating to a finding of malicious conduct by Defendant ROBINSON. In addition, ROBINSON, despite these repeated findings of malicious and unlawful conduct, refuses to take down and/or retract her defamatory and malicious postings against OLIVE. The refusal of ROBINSON causes on ongoing injury requiring injunctive relief. The malicious findings against ROBINSON warrant granting of exemplary/punitive damages against ROBINSON. A copy of OLIVE’s proposed first amended complaint is attached to this motion as Exhibit “1”. OLIVE’s request for leave to amend should be granted.

OLIVE did not learn of the level of malicious conduct and refusal to retract the injurious and malicious postings made by ROBINSON until after the filing of the original complaint in this action. Permitting the amendment sought by OLIVE will not prejudice any of the existing defendant. Accordingly, the Court should grant this motion and OLIVE should be allowed to file its amended complaint.

I. OLIVE SHOULD BE GRANTED LEAVE TO FILE AN AMENDED COMPLAINT.

“Parties may be ... added by order of the court on the motion of any party or its own initiative at any stage of the action and on such terms as are just.” (*Neman- Green, Inc. v. Alfonzo-Larrain* (1989) 490 U.S. 826, 832, 109 S. Ct. 2218, 2222.) The Federal Rules of Civil Procedure require that “leave shall be freely given when justice so requires.” (Fed. Rule Civ. Proc. 15 (a).) The policy of granting leave to amend is to be applied with “extraordinary liberality.” (*Morongo Band of Mission Indians v. Rose* (9th Cir. 1990) 893

1 F.2d 1074, 1079.)

2 Justice requires that OLIVE be allowed to amend his complaint in this action to
3 include additional facts and remedies against Defendant. Defendant ROBINSON.

4 It will be extremely burdensome on both OLIVE and the Court if OLIVE is required
5 to bring a separate action to seek injunctive and punitive damages. Much of the discovery,
6 particularly that by the defendant and plaintiff, will be duplicative. It would be far more
7 efficient for both the parties and the Court to try OLIVE's entire claims against the
8 defendant in a single trial including seeking additional remedies against ROBINSON for
her malicious and intentional conduct.

9 Defendant ROBINSON will not be prejudiced if leave to amend is granted. Trial
10 and discovery deadlines are still sufficiently far away, with trial not until 2023. Thus, there
11 will be ample time for ROBINSON to conduct discovery and otherwise prepare for trial.
12 Accordingly, the Court should grant OLIVE's request for leave to amend to include new
13 factual findings made by the Bankruptcy Court, affirmed by the 9th Circuit Bankruptcy
14 Appellate Panel. ROBINSON had ample opportunity to address these issues in two prior
15 proceedings. It is anticipated that OLIVE will seek summary judgment based upon the
doctrines of collateral estoppel and res judicata.

16 17 **II. CONCLUSION.**

18 For the foregoing reasons, the Court should grant the instant motion and allow
19 OLIVE to file his amended complaint.

20 Dated April 1, 2022

By: /s/ Oscar Lee Olive, IV.

Oscar Lee Olive, IV

Plaintiff, In Pro Per

DECLARATION OF OSCAR LEE OLIVE, IV.

I, Oscar Lee Olive, IV, hereby declare as follows:

1. I am the Plaintiff in the above entitled matter. I was also the Respondent in the 9th Circuit Bankruptcy Appellate Panel Case No. BAP No. WW-21-1042-TLB that affirmed the Bankruptcy Court's findings of fact and conclusions of law made by the Bankruptcy Court, that resulted in denial of discharge of a debt owed by Defendant ROBINSON to me.

2. At the time I filed the Complaint in this matter, the Bankruptcy Court had not made its findings, and I had not discovered all of the evidence that ROBINSON had acted with malice with intent to cause me injury.

3. Since the Bankruptcy Court's Order denying discharge for a willful and malicious injury against ROBINSON, affirmed by the 9th Circuit BAP, ROBINSON has continued to refuse to remove her unlawful and malicious postings. This causes me ongoing injury that can only be prevented by injunctive relief.

4. The Bankruptcy Court and BAP's findings of malice now support an award of punitive damages against ROBINSON.

5. Attached to my declaration as **Exhibit "1"** is a true and correct copy of my proposed First Amended Complaint with newly added material underlined and italicized to show proposed amendments, as required by LCR 15.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States.

Executed April 1, 2022 in Hollywood, Florida

By: /s/ Oscar Lee Olive, IV.

Oscar Lee Olive, IV.

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EXHIBIT “1”

Proposed First Amended Complaint

Hon. James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

OSCAR LEE OLIVE, IV., an individual

Plaintiff,

v.

HAYLEY MARIE ROBINSON, an
individual, and Does 1-20 inclusive

Defendants

No. 2:20-cv-00356-JLR-BA

Hon. James L. Robart

**PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR DAMAGES**

1. DEFAMATION

**2. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

Jury Trial Demanded

COMES NOW Plaintiff Oscar Lee Olive, IV ("Plaintiff") files this Complaint against
Defendants Hayley Marie Robinson ("Defendant") and alleges as follows:

THE PARTIES

1. Plaintiff Oscar Lee Olive, IV, is an individual currently living in Broward County,
Florida ("Plaintiff") at all relevant times.

2. Defendant Hayley Marie Robison ("Defendant") is an individual residing in

Whatcom County at 487 Westerly Rd #102, Bellingham, WA 98226. Robinson also uses “Ireland Rose” as an alias. Robinson previously worked as a model. Robinson currently promotes herself in the online pornography industry under the name of “Ireland Rose” or “Ireland Rose Marie”.

3. Kiersten Alexandra Klag (“Klag”) is a resident of Westchester, West Virginia.

4. Defendant Robinson refers to Klag as “Norah” or Klag on Defendant’s website.

5. The true names and capacities of DOES 1 through 20 are presently unknown to Plaintiff and when they become known, Plaintiff will amend this Complaint by identifying the true names and capacities of the Doe defendants herein sued as fictitious Doe defendants; Plaintiff is informed and believes and on such information and belief alleges that each of said Defendants is responsible to Plaintiff in some actionable manner as set forth herein.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that Defendants reside in Washington State within the jurisdiction of this Court, and at all relevant times Plaintiff resided in Florida. The amount in controversy exceeds \$75,000.

7. Personal jurisdiction and venue are proper in this Court because the Defendant is located in the Western District of Washington.

STATEMENT OF FACTS

8. On or around June 1, 2016 Plaintiff paid for Defendant Robinson and her former boyfriend, Justus Kepel, to travel to Suitland, Maryland, to work a modeling photo shoot pursuant to an agreement entered into between Plaintiff and Robinson in or about May 2016.

9. On or around July 3, 2016 Plaintiff, and Defendants Robinson and Kepel, were at Plaintiff’s Maryland residence with another model, Klag. While at Plaintiff’s house/home studio Robinson and Kepel demanded Plaintiff pay them more money for the modeling photo

1 shoot. Plaintiff declined. Defendants Robinson and Kepel grew angry when Plaintiff informed
 2 them, that pursuant to their agreement, all costs, including the costs paid by Plaintiff for the
 3 Defendants' airline tickets, would be deducted from Robinson's pay. Defendants Robinson
 4 and Kepel stated they "would get even" with Plaintiff and cause him personal and financial
 5 harm.

6 10. On or around November 1, 2016, Robinson admitted she had intentionally lied
 7 and made the false factual statements against Plaintiff in his personal and professional
 8 capacity.

9 11. On or about November 2, 2016, Robinson admitted that her statements of and
 10 concerning Plaintiff and the false claims of sexual misconduct and theft were false.

11 12. On or around June 12, 2016 Plaintiff filed an action in the Federal District Court,
 12 Western District of Washington against Defendant Robinson and her former boyfriend Justus
 13 Keppel (Dist. Court case no. 2:18-cv-00862) alleging Robinson and Keppel had used Facebook
 14 to publish false and defamatory statements about Plaintiff. On or around Oct. 1, 2019 the court
 15 entered judgment against Keppel finding Plaintiff had proven Keppel aided and abetted
 16 Robinson's defamatory statements against Plaintiff using Keppel's Facebook account. The
 17 Court awarded Plaintiff damages for defamation and intentional infliction of emotional
 18 distress. The Court stayed the case against Defendant Robinson due to Robinson filing
 19 bankruptcy. Defendant Robinson wrote on her webpage that she filed bankruptcy to obtain a
 20 "pardon" her from the financial liability from the federal lawsuit filed by Plaintiff.

21 13. On or around May 10, 2019 Defendant Robinson filed her petition for Chapter 7
 22 bankruptcy protection.

23 14. On or around June 1, 2019, after filing her bankruptcy petition, Robinson falsely
 24 published on a new platform, her business website <https://irelandrosemarie.wordpress.com>

1 stating that Plaintiff had sexually assaulted “Norah” (aka Klag) and that Plaintiff was found
2 “guilty”. Defendant Robinson made false factual statements inputting that Plaintiff had
3 committed a crime, sexual assault, assault, stolen money. Defendant Robinson further
4 representing as a fact that Plaintiff had been raided by government, arrested, and charged with
5 a crime. Defendant Robinson knew the statements made against Plaintiff were false as
6 Defendant Robinson admitted to knowingly fabricating statements to injure Plaintiff personally
7 and professionally.

8 15. On or around July 1, 2019 through March 4, 2020 Defendant Robinson used
9 Facebook pages under various aliases, Twitter and other web platforms to direct approximately
10 five to ten thousand followers to her webpage where Defendant published the false allegations
11 of sexual assault and theft against Plaintiff as a basis to obtain money from third parties over
12 the internet using Googlepay, Cashapp, Venmo, Paypal and payable to Defendant Robinson.

13 16. Robinson’s postings were admittedly intended to expose Plaintiff to hatred,
14 contempt, ridicule or obloquy, to deprive him of the benefit of public confidence or social
15 intercourse, or to injure him in his business, trade, and/or profession as a photographer.

16 17. Robinson’s false factual statements were viewed by individuals, many in the
17 photography and modeling business in which Plaintiff has a career. Plaintiff, as a result of
18 Defendant’s defamatory claims, was labeled a “felon” on social media. Plaintiff has no felony
19 convictions. Defendant Robinson’s postings were seen by Plaintiff’s clients which harmed
20 Plaintiff’s reputation. As the result of Defendant Robinson’s malicious actions Plaintiff has
21 suffered damage to his reputation and damages exceeding \$75,000.00.

22 18. At all times, Defendants conduct was extreme and outrageous, using Defendant’s
23 web pages to defame Plaintiff in exchange for obtaining money to pay her bills, and to injure
24 Plaintiff emotionally and professionally. Defendants’ conduct was so extreme, exceeding the

1 bounds of decency, and found to be to be regarded as atrocious, and utterly intolerable in a
2 civilized community.

3 19. Defendants' actions were outrageous and extreme and caused Plaintiff extreme
4 emotional distress. Plaintiff suffers from depression, fear, nausea, and sleeplessness, as the
5 direct and proximate result of Defendants' outrageous conduct.

6 20. Defendant Robinson's intentional defamatory statements were intended to injure
7 Plaintiff and to benefit Defendant financially. Defendant Robinson acted with malice,
8 oppression and/fraud as to warrant imposition of punitive damages.

9 21. On or around January 7, 2021 the Bankruptcy Court, Western Division of
10 Washington, upon a two day hearing, found in favor of Plaintiff, and denied discharge of
11 Defendant Robinson. The Bankruptcy Court made findings that Defendant had acted with
12 malice and with intent to cause personal injury to Plaintiff.

13 22. On or around August 2, 2021 the Bankruptcy Appellate Panel for the 9th Circuit
14 Court of Appeals affirmed the bankruptcy court's findings. The BAP also found malice and
15 that Defendant "gloated" over causing harm to Plaintiff.

16 23. Despite two courts finding Defendant acted with malice and intent to cause harm,
17 Defendant refuses to remove her posts on the new social media, the subject of this Complaint.
18 Defendant has rejected all requests to remove her defamatory postings, causing an ongoing
19 and continuous injury to Plaintiff.

20 FIRST CAUSE OF ACTION

21 DEFAMATION

22 (AGAINST DEFENDANT ROBINSON AND DOES 1-20)

23 24. Plaintiff hereby incorporates, incorporates and re-alleges paragraphs 1-20 as set
24 forth above.

25. That between June 1, 2019 through March 4, 2020, Defendant Robinson made false factual statements against Plaintiff by publishing on her personal webpage, used to promote her pornography business, that Plaintiff had engaged in criminal activities imputing moral turpitude, sexual assault, assault and theft.

26. Defendants conduct was found to have been intentional, malicious and intended to harm Plaintiff's reputation and person for the financial benefit of the Defendant. Defendant's conduct was at all times unprivileged.

27. Defendant Robinson admitted to fabricating false facts of and concerning Plaintiff.

28. As the direct and proximate result of Defendant's actions, Plaintiff's personal reputation and business reputation suffered, as a result of Defendant's web page postings.

SECOND CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTION DISTRESS

(AGAINST DEFENDANT ROBINSON AND DOES 1-20)

29. Plaintiff hereby incorporates, incorporates and re-alleges paragraphs 1-20 as set forth above.

30. Defendants' acts of making false statements of facts against Plaintiff concerning sexual misconduct and theft were extreme outrageous, designed to injure Plaintiff while Defendant obtained money in exchange for defaming Plaintiff.

31. Defendants' conduct was intended to cause Plaintiff emotional harm.

32. As the direct and proximate result of Defendants' conduct Plaintiff suffers from extreme emotional distress. Plaintiff suffers from depression, fear, nausea, panic attacks, and loss of sleep, as the direct and proximate result of Defendants' outrageous conduct. Plaintiff requires the use of an emotional support animal.

DEMAND FOR JURY TRIAL

33. Plaintiff requests trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that he has judgment against Defendants as follows:

FOR CAUSE OF ACTION NO. 1:

a. For all general and special damages to be proven at trial, including but not limited to loss of past and future income, benefits, and pension.

b. For an award of exemplary damages.

FOR CAUSE OF ACTION NO. 2:

c. For all general and special damages to be proven at trial, including past and future pain and suffering.

d. For an award of exemplary damages.

FOR ALL CAUSES OF ACTION:

e. For Injunctive Relief enjoining Defendant from continued publication of injurious statements on her website concerning Plaintiff,

f. Award Plaintiff the costs of this action, and

g. An award of any other relief as this Court deems just and proper.

Dated: April 1, 2022

Respectfully submitted,

By: /s/ Oscar Lee Olive, IV.

Oscar Lee Olive, IV Plaintiff, In Pro Per
101 N. Ocean Drive, Suite 132
Hollywood, FL 33319
Oscar.L.Olive@gmail.com
(850) 319-9023

Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

OSCAR LEE OLIVE, IV., an individual

Plaintiff,

v.

HAYLEY MARIE ROBINSON, an
individual, and Does 1-20 inclusive

Defendants

No. 2:20-cv-00356-JLR-BA

Hon. James L. Robart

CERTIFICATE OF SERVICE

To Plaintiff's Motion For Leave To File
Amended Complaint. **(Doc. 32).**

NOTE ON MOTION CALENDAR:
April 22, 2022

CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, and under the laws
of the United States, that I served the following document in the manner set forth below,

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE A
FIRST AMENDED COMPLAINT (F.R.C.P. § 15); PROPOSED ORDER

[X] I electronically filed a true and correct copy of the foregoing document with the United
States District Court ECF system, which will send notification of the filing to the following:

1 and

2 [X] On April 1, 2022 I mailed by USPS First Class Mail, postage prepaid, in a sealed envelope,
3 the attached document, PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR LEAVE
4 TO FILE A FIRST AMENDED COMPLAINT (F.R.C.P. § 15); PROPOSED ORDER
5 to the following parties:

6 Hayley Marie Robinson
7 487 Westerly Road # 102
8 Bellingham, WA 98226

9 Dated April 1, 2022 in Hollywood, Florida.
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13 By: /s/ Nicole Crowley
14 Nicole Crowley
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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, and under the laws of the United States, that I filed and served in the following manner, NOTICE OF ERRATA to Doc. 32.

[X] I electronically filed a true and correct copy of the foregoing document with the United States District Court ECF system, which will send notification of the filing to the following:
and

[X] On April 2, 2022 I mailed by USPS First Class Mail, postage prepaid, in a sealed envelope, the attached document to the following parties:

Hayley Marie Robinson
487 Westerly Road # 102
Bellingham, WA 98226

Dated April 2, 2022 in Hollywood, Florida.

/s/ Nicole Crowley
Nicole Crowley